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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/397,034 09/16/99 ATAKE

H DAIN: 435A

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IM52/0312

EXAMINER

JACKSON, M

ART UNIT

PAPER NUMBER

1773

6

DATE MAILED: 03/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/397,034	Applicant(s) ATAKE, HIROYUKI	
	Examiner Monique R Jackson	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/957068.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: |

DETAILED ACTION

1. The amendment filed 11/2/00 has been entered. Claims 7-12 have been canceled. New claims 13-20 have been added. Claims 13-20 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The objections to the specification and title as recited in paragraphs 1-2 of the prior office action have been withdrawn.

Claim Objections

4. Claim 19 is objected to because of the following informalities: on line 1, "aid" should be "said". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 13-20 are rejected under 35 U.S.C. 102 (e) as being anticipated by Takada et al. Takada et al teach a molding coated with a decorative sheet comprising an acrylic resin protective layer wherein the acrylic resin is a modified copolymer containing a backbone and at least one side chain linked to the backbone, the backbone having a glass transition temperature of preferably about 45°C to about 80°C (Col. 4, lines 30-39), and a backing resin sheet between the

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molding and the acrylic sheet (Figures 2A-2C, Figure 6, and Claim 1.) The acrylic copolymer may be formed from monomers including methyl (meth)acrylate, butyl (meth)acrylate, ethyl (meth)acrylate or other (meth)acrylic esters (Col. 5, lines 8-12.) Takada et al specifically teach an example comprising a methyl methacrylate-butyl methacrylate copolymer (Examples.) Though Takada et al do not specifically teach a coefficient of kinetic friction of the acrylic layer with respect to glass of 0.2 to 0.9, the Examiner takes the position that the protective layer taught by Takada et al, comprising the same materials as the instantly claimed invention, would inherently have a coefficient of friction within the instantly claimed range.

7. Claims 13-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Takada et al. The teachings of Takada et al are discussed above. Takada et al further teach that that the outer layer composition may comprise a number of additives including a color pigment, slip agent, and a wetting agent. Considering it is well known in the art that additives such as slip agents or lubricants can be utilized to modify the coefficient of friction of the resulting coating layer, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize routine experimentation to determine the optimum amount of friction modifying agent to include for the desired surface properties for a given end use.

Response to Arguments

8. Applicant's arguments filed 11/2/00 have been fully considered but they are not persuasive. The Applicant's arguments with regards to the fact that the molded article differs from the polymer of Applicant's claims 13-20 in that the reference describes a photopolymerizable polymer comprising a modified acrylic copolymer having at least one (meth)acryloyl group-containing side chain, such that the product upon curing by light radiation

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becomes a three dimensional cross-linked polymer which is not the case with regards to the polymers of instant claims 13-20. However, the Examiner takes the position that the example presented by Takada et al wherein an acrylic resin is formed from various monomers including n-butyl methacrylate and methyl methacrylate does in fact satisfy the limitation of a methyl (meth)acrylate-butyl (meth)acrylate copolymers as recited in the instant claims. Further, the Examiner takes the position that the example acrylic resin layer taught by Takada et al would inherently have a coefficient of kinetic friction within the instantly claimed range. Alternatively, it is well known in the art that additives such as slip agents and fillers can be incorporated into decorative coating layers to provide desired surface properties such as anti-slip properties or low friction properties based on a desired end use.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-6078 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



mrj
March 8, 2001


D. S. NAKARANI
PRIMARY EXAMINER, Acting JPE